

Nathan R. Marigoni (Utah SBN 14885)
TROUTMAN PEPPER HAMILTON SANDERS LLP
600 Peachtree Street NE, Suite 3000
Atlanta, GA 30308
Telephone: (470) 832-5575
Email: Nathan.Marigoni@troutman.com

Matthew H. Ladner (*pro hac vice*)
TROUTMAN PEPPER HAMILTON SANDERS LLP
350 S. Grand Ave., Suite 3400
Los Angeles, CA 90071
Telephone: (213) 928-9816
E-mail: Matthew.Ladner@troutman.com

William M. Taylor (*pro hac vice*)
TROUTMAN PEPPER HAMILTON SANDERS LLP
125 High St., 19th Floor
Boston, MA 02110
Telephone: (617) 204-5186
Email: William.Taylor@troutman.com

*Specially Appearing Attorneys for Defendant,
Vani Kola*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ALLAN MILLER,

Plaintiff,

vs.

HFN, INC., a Delaware Corporation, d/b/a as
NANOHEAL BY HFN INC.; KALAARI
CAPITAL ADVISORS PRIVATE LIMITED, an
Indian Company; SRIDHAR SANTHANAM;
KUMAR SHIRALAGI; PAVAN VAISH; and
VANI KOLA,

Defendants.

**DEFENDANT VANI KOLA'S
FURTHER MOTION TO EXTEND
TIME TO RESPOND TO FIRST
AMENDED COMPLAINT UNTIL 21
DAYS AFTER COURT RULES ON
PENDING MOTIONS TO DISMISS**

Case No. 2:23-cv-00733-CMR

Magistrate Judge Cecilia M. Romero

Defendant Vani Kola hereby specially appears and move the Court to extend her time to respond to the First Amended Complaint (“FAC”) in this matter until 21 days after the Court rules on the pending motions to dismiss filed by HFN, Inc. and Kumar Shiralagi (the “Dismissal Motions”). ECF Doc. Nos. 15, 16. On March 19, 2024, Ms. Kola, along with the other International Defendants,¹ moved the Court to order that her response to the FAC not be due until 21 days after the Court rules on the Dismissal Motions. ECF Doc. No. 37. That motion to extend time remains pending before the Court.

Since that time, on April 29, 2024, Plaintiff filed a proof of service purporting to show that service was effected on Ms. Kola in California on April 27, 2024. ECF Doc. No. 49. This purported service by Plaintiff on Ms. Kola, however, does not moot Ms. Kola’s motion for an extension of time to respond to the FAC, nor does it overcome the good cause for such an extension set forth therein. However, in light of Plaintiff’s efforts to obtain a default against Pavan Vaish despite the pendency of the International Defendants’ motion to extend time, *see* ECF Doc. Nos. 53, 54, Ms. Kola is compelled to reiterate her request for this relief to avoid any such effort by Plaintiff to obtain her default.

As explained in the International Defendants’ motion, ECF Doc. No. 37, which is incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c), good cause exists to grant the requested extension because the FAC asserts virtually identical claims for breach of fiduciary duty, conversion, and fraud against all of the named Defendants. Thus, there is substantial overlap between the arguments in the pending Dismissal Motions and the arguments Ms. Kola would raise in her own response to the FAC. As such, the Court’s ruling on the legal defenses raised in HFN’s and Shiralagi’s Dismissal Motions may dispose of Plaintiff’s claims entirely as to all Defendants,

¹ Kalaari Capital Advisors Private Limited, Sridhar Santhanam, and Pavan Vaish.

including Ms. Kola. For that reason, judicial economy and the interests of justice are served by deferring Ms. Kola's time to respond to the FAC until after the Dismissal Motions are adjudicated.

Accordingly, Ms. Kola respectfully requests the Court order that deadline to respond to the FAC be extended until 21 days after the Court rules on the pending motions to dismiss filed by HFN, Inc. and Kumar Shiralagi. ECF Doc. Nos. 15, 16.

This motion is without waiver of any defenses that Ms. Kola may have, including as to service and personal jurisdiction.

Dated: May 28, 2024

TROUTMAN PEPPER HAMILTON SANDERS LLP

By: /s/ Nathan R. Marigoni

Nathan R. Marigoni (Utah SBN 14885)

Matthew H. Ladner (*pro hac vice*)

William M. Taylor (*pro hac vice*)

*Specially Appearing Attorneys for Defendant,
Vani Kola*